REMARKS

I.   Amendments to Claims

Claims 22, 24-31, and 33-42 are pending and under current examination. In this Amendment, Applicants amend claims 22, 24, and 31. Support for these amendments can be found, for example, on pages 5-6 of the Specification. Accordingly, no new matter has been introduced by these amendments.

II.   Claim Rejections

Applicants request reconsideration and withdrawal of the rejection of claims 22, 24-31, and 33-42 under 35 U.S.C. § 103(a) as being unpatentable over Talpade (U.S. Publication No. 2002/0145982) in view of Ko (U.S. Publication No. 2003/0100299).

Neither Talpade nor Ko, taken alone or in combination, disclose or suggest at least, "objects that model respective network devices," as recited in Applicants' claim 22. Claim 22 recites (with emphases added):

> A method, implemented using a computer system comprising a processor and a memory, for simulating a communications network through **objects that model respective network devices,** comprising the steps of:
>
> simulating, using the computer, through said objects, the supply of network services according to respective quality of service profiles, wherein the simulating comprises:
>
>> **selectively identifying,** using the computer, **for each of said objects, at least one quality of service profile;**
>>
>> **dynamically configuring said objects,** using the computer, to simulate the supply of the service corresponding to said selectively identified quality of service profile; and
>>
>> **inserting,** for at least one network user, **a respective parameter related to a particular respective quality of service profile selectively identified for one of said objects,**
>
> wherein the steps are applied for simulating networks comprising mobile terminals cooperating with blocks or network devices.

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Although Talpade discloses network simulation, Talpade does not perform its simulation in the manner claimed by Applicants. Specifically, Talpade does not disclose or suggest the use of "objects that model respective network devices." Instead, Talpade provides only one detail on how its simulation is performed, and that detail further demonstrates that Talpade does not disclose Applicants' claims. Specifically, Talpade, at para. [0023]-[0024], reveals that an application can be mapped to a traffic class, which has its own respective QoS criteria, and that each traffic class can support one or more applications. Even if Talpade's "traffic class," or "QoS criteria," could hypothetically be considered analogous to Applicants' claimed "parameter related to a particular respective quality of service profile," Talpade still does not disclose any customization of the "quality of service profile" **for a user**, because Talpade does not disclose that its "traffic class" or "QoS criteria" would be customized **for a user**. Furthermore, there cannot be any such customization in Talpade, because in Talpade, each application is limited to being mapped to one traffic class. *See* Talpade, at para. [0023]-[0024]. Talpade, therefore, cannot disclose Applicants' claimed "inserting, for at least one network user, a respective parameter related to a particular respective quality of service profile **selectively identified for one of said objects**," as recited in Applicants' claim 22 (emphasis added).

In addition, the Final Office Action and Advisory Action improperly equate Talpade's "QoS mechanisms" with Applicants' claimed "quality of service profile." As discussed previously in the Amendment filed on June 15, 2009, and in the Request for Reconsideration after Final filed on January 11, 2010, Talpade's simulator may determine **quality of service (QoS) mechanisms**, which is, QoS **algorithms** for controlling network resources. *See* Talpade, ¶ [0025] and Fig. 2, item #210. This is clearly different from Applicants' claimed "quality of service profile," as recited in claim 22 (and similarly in claim 31). Furthermore, steps 240 and 270 in Fig. 2 of Talpade are **not** performed by simulator 160, rather, these steps are performed by

an ISP administrator and admission controller 170, respectively. *See* Talpade, para. [0027] and [0030]. That is, these steps are no longer simulations, but administration steps happening in **physical network.**

The Advisory Action also improperly analogizes Applicants' claimed "quality of service profile" with Talpade's selection of one or more "simulation variables." *See* Advisory Action at 2. Talpade, however, defines the "simulation variables" as "the number of connections for each class of traffic, the link capacities, or the buffer size." Talpade at para. 0036. Talpade's simulation variables are *not* analogous to Applicants' claimed "quality of service profile," because Talpade's simulation variables are not identified for an object that models a network device, but instead are characteristics of the network itself. Further, the Advisory Action improperly analogizes Applicants' claimed "parameter related to a particular respective quality of service profile" with Talpade's "link bandwidths," "traffic source models," and "traffic class requirements." *See* Advisory Action at 2. Unlike Applicants' claimed "parameter," Talpade's "link bandwidths," "traffic source models," or "traffic class requirements," do not relate to a particular quality of service profile.

Ko does not make up for at least the aforementioned deficiencies of Talpade at least because Ko is not directed to computer implemented simulation, but is instead directed to tests implemented on a network of physical devices. *See* Ko, Abstract, para. [0060], and claim 1. Neither the Final Office Action nor the Advisory Action, which state that the references could be combined because both are "drawn to communication networks," identify why or how one of ordinary skill in the art would have combined Talpade and Ko in view of this fundamental difference between them. *See* Advisory Action at 2 and Final Office Action at 5. Furthermore, because Ko does not make up for the aforementioned deficiencies of Talpade, any combination

of these references would not result in the features recited in at least Applicants' independent claim 22.

Claim 22 is not obvious over <u>Talpade</u> and <u>Ko</u>, whether taken alone or in combination, and should therefore be allowable. Independent claim 31, while of different scope, recites similar features and should be allowable for at least the same reasons as discussed regarding claim 22. Dependent claims 24-30 and 33-42 should also be allowable at least by virtue of their respective dependence from base claim 22 or 31, and because they recite additional features not taught or suggested by <u>Talpade</u> and <u>Ko</u>. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

III. Conclusion

Applicants request reconsideration of the application and withdrawal of the rejections, and the timely allowance of pending claims 22, 24-31, and 33-42.

The Final Office Action and Advisory Action contain statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any such statements.
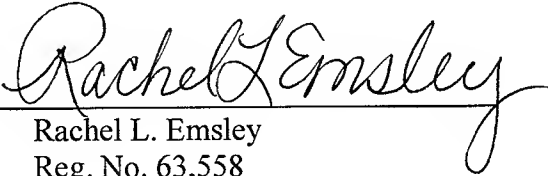
If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 12, 2010   By: _____

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